

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

CHANTY KEO,

**Plaintiff,**

CASE NO. 11-CV-2154

vs.

MATTHEW CATE,

Defendant.

## ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

Keo file a state habeas petition on September 15, 2011, which was referred to Magistrate Judge Major for report and recommendation pursuant to 28 U.S.C. § 636. Cate responded to the petition on February 13, 2012, Keo filed a traverse, and Judge Major issued her R&R on June 18. Judge Major recommended that Keo's habeas petition be denied, and she ordered that any objections to her R&R be filed by July 16, 2012. Keo has not filed an objection, however, and this is of substantial consequence.

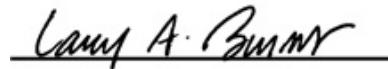
"The court shall make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. §636(b). Moreover, 28 U.S.C. Section 636(b)(1) does not require some lesser review by the district court when no objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). The Ninth Circuit has interpreted the language of 28 U.S.C. Section 636(b)(1), and determined that the "statute makes it clear that the district judge must review the magistrate judge's findings and

1 recommendations de novo *if objection is made*, but not otherwise." *United States v.*  
2 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

3 The Court has reviewed the R&R and finds it to be thorough and correct. Accordingly,  
4 the Court **ADOPTS** it. Keo's habeas petition is **DENIED**.

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6 **IT IS SO ORDERED.**

7 DATED: August 10, 2012

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9 **HONORABLE LARRY ALAN BURNS**  
10 United States District Judge

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